MAYOR Mark Mathews City Manager L. Steve Kennedy City Clerk, CMC Debra Taylor



COUNCIL
Mayor Pro-Tem, Bill Thrash
Jeff Duckett
Bruce Jenkins
Tim Killingsworth
Cris Welsh

City Council Regular Meeting Agenda January 17, 2012 6:30 PM Council Chambers

- I. INVOCATION
- II. PLEDGE OF ALLEGIANCE
- III. CALL TO ORDER
- IV. ANNOUNCEMENTS
- V. PRESENTATIONS
- VI. OLD BUSINESS
- VII. NEW BUSINESS
 - A. TITLE OF ITEM: Approval of RESOLUTION to approve and support Fit City Kennesaw.

AGENDA COMMENTS: The City is launching a communitywide health and wellness program called *Fit City Kennesaw* to encourage participants to combat obesity and inactivity, kicked off by an event at the Ben Robertson Community Center on February 4th that will include weight, blood pressure and BMI screenings, nutritional counseling and assessments, goal setting and motivational speeches from individuals who have changed their lives through exercise and a healthy diet. The Assistant City Manager recommends approval of the Resolution in support of *Fit City Kennesaw* initiative.

Attachments

VIII. COMMITTEE AND BOARD REPORTS

A. YOUTH COUNCIL - Reports

IX. PUBLIC HEARING(S)

Swearing-in of any witnesses or individuals offering comments on any of the following items.

A. **TITLE OF ITEM:** Authorization for approval of ORDINANCE to adopt the 2012 Official Zoning Map for the City of Kennesaw.

AGENDA COMMENTS: The Official Zoning Map, once adopted will reflect all approved annexations, rezoning and amendments up to and including December 31, 2011. By adopting the official zoning map it will provide clarity on the most current zoning district locations within the city limits. Legal advertisement was placed in the Marietta Daily Journal. Planning Commission heard this item on January 04, 2012 and recommended the Mayor and Council approve by Ordinance the adoption of the Official Zoning Map, including all annexations, rezonings through December 31, 2011. Vote: 3-0. STAFF RECOMMENDATION: Darryl Simmons, Planning and Zoning Administrator, recommends the adoption of the official zoning map, including all annexations and rezonings through December 31, 2011.

Attachments

X. CONSENT AGENDA

- A. TITLE OF ITEM: Approval of the December 19, 2011 Mayor and City Council meeting Minutes.
 - Attachments
- B. TITLE OF ITEM: Approval of the January 11, 2012 Special Call Mayor and City Council meeting Minutes.
 - Attachments
- C. TITLE OF ITEM: Ratify action by the License Review Board of an alcohol pouring license denial and receipt of the meeting Minutes.

AGENDA COMMENTS:On December 2, 2011 the License Review Board held an appeal hearing on the denial of a pouring license for Miranda Fields. The Police Department denied Ms. Fields's pouring license on November 10, 2011 due to convictions of two alcohol related offenses within the past five years. After receiving

testimony, the action by the License Review Board was to uphold the denial. The Minutes from the proceedings are attached. The applicant has not exercised her right to appeal to the City Council as allowed under the Code of Ordinances, Section 6-70. The City Clerk recommends ratifying the decision of the License Review Board from their December 2, 2011 appeal hearing.

Attachments

D. TITLE OF ITEM: On December 29, 2011, Helen G. Odom purchased two (2) cemetery lots in the Kennesaw City Cemetery. These lots are located in Section III, Plot 73, Lots B & C. Mayor to sign supporting deed for purchase of these lots. City Clerk recommends approval.

Attachments

E. TITLE OF ITEM: Approval for the Mayor to sign Lobbyist Registration letter authorizing Bentley, Bentley and Bentley law firm attorney's Fred Bentley, Jr., Randall Bentley, Jamie Wingler and Dan McClendon as lobbyists for the City on an as-needed basis including annexations for 2012.

Attachments

F. TITLE OF ITEM: Consideration to approve RESOLUTION updating the Master Fee Schedule.

AGENDA COMMENTS: In 2011 the City Council authorized a one time 911 fee for pre-paid cellphones (Resolution No. 2011-57) and an increase for insurance company fees based on population (Ordinance No. 2011-27). Both fees are in accordance with the Official Code of Georgia Annotated (O.C.G.A.) codes, effective January 1, 2012. Other minor corrections (Museum and Swift-Gilbert Gardens) were made to the Master Fee Schedule as shown on Attachment A. The City Clerk recommends approval of the Resolution and updated Master Fee Schedule.

Attachments

G. TITLE OF ITEM: Approve RESOLUTION to ratify Museum marketing services contract with Weber Shandwick of Atlanta.

AGENDA COMMENTS:On December 19, 2011 the Council authorized the Mayor to sign a contract with Weber Shandwick of Atlanta to provide marketing services to the Southern Museum for the duration of January 1, 2012 through December 31, 2012 renewable for up to three years. A contract was finalized by City Attorney Randall Bentley, reviewed and orally accepted by Rob Baskin of Weber-Shandwick, and signed by Mayor Mathews. The Museum Director recommends approval of the Resolution to ratify the contract.

FUNDING LINE:556.6172.52.332000.0000

Attachments

H. TITLE OF ITEM: Approval of RESOLUTION and authorization for the Mayor to execute the Lease Supplement with Georgia Municipal Association (GMA) for the direct leasing program for a 2012 Peterbilt 320 Garbage Truck and a 2011 Ford F-550 XL Bucket Truck. The total amount of the loan is \$299,494.

AGENDA COMMENTS:Through GMA the City will finance these vehicles for a five year period with five annual payments of \$62,946.87 with the first payment due March 30, 2012 at an annual interest rate of 2.31%. Funding will be through BBandT bank via GMA. Finance Director recommends approval.

FUNDING LINE:100.8000.58.120000 \$16,016.43 FY12 Annual Principal Payment

FUNDING LINE:100.8000.58.220000 \$349.76 FY12 Annual Interest Payment

FUNDING LINE:540.4500.54.223000 \$45,585.21 FY12 Annual Principal Payment

FUNDING LINE:540.4500.58.220000 \$995.47 FY12 Annual Interest Payment

Attachments

I. TITLE OF ITEM: Authorize RESOLUTION approving the Intergovernmental Agreement between the City of Kennesaw and the Kennesaw Downtown Development Authority (KDDA) related to the purchase of 2765 South Main Street, Kennesaw, Georgia by the Kennesaw Downtown Development Authority.

AGENDA COMMENTS: The KDDA in their efforts to revitalize and promote downtown are pursuing the purchase of a vacant building at 2765 South Main. A portion of the building will be leased to an existing downtown business to retain them downtown and allow their growth and expansion. The balance of the building will be utilized by the Teen Center, providing an improved facility for the growth of the Teen Center. The KDDA will obtain bank financing for the purchase and necessary improvements to the building. The lease payment will cover the debt service, additional monthly payment to the City and a monthly accumulation of funds in a reserve account. The building has been appraised and inspected. A Phase II Environmental Assessment has been completed. The Economic Development Director recommends approval.

FUNDING LINE: KDDA will obtain bank financing

Attachments

- J. TITLE OF ITEM: Approval of RESOLUTION authorizing a multi-year contract with City Manager Steve Kennedy.
 - **Attachments**

DEPARTMENT REPORTS

XI. PUBLIC SAFETY (Councilmember Bill Thrash)
BILL WESTENBERGER, Police Chief
BOBBIE DUKE, 911 Communications Director

- XII. INFORMATION TECHNOLOGY (Councilmember Bruce Jenkins)
- XIII. PUBLIC WORKS (Councilmember Tim Killingsworth) EARNIE VIA. Director
- XIV. RECREATION AND CULTURE

RICHARD BANZ, Museum Director (Councilmember Bruce Jenkins)
DOUG TAYLOR, Parks and Recreation Director (Councilmember Jeff Duckett)
DOUG DAVIS, Smith-Gilbert Gardens Director (Councilmember Tim Killingsworth)

A. TITLE OF ITEM: Approval of parking lot design services by California Skateparks Inc.

AGENDA COMMENTS: California Skateparks Inc. (CSP) will supply design and sub-consultant services for additional site development outside of the original contracted skate park base design agreement. CSP's design scope of work will include topographical survey, geotechnical, site civil design, lighting and electrical design, landscape design and project management. Total GMP is \$57,530 and modifies GMP for a total of \$812,370. The Assistant City Manager recommends approval.

FUNDING LINE: SPLOST

Attachments

XV. COMMUNITY DEVELOPMENT (Councilmember Cris Welsh)
ROBERT FOX, Economic Development Director
DARRYL SIMMONS, Zoning Administrator
MARK RICE, Building Official

- XVI. GENERAL AND ADMINISTRATIVE (Councilmember Bill Thrash)
 GINA AULD, Finance Director
- XVII. PUBLIC COMMENT/BUSINESS FROM THE FLOOR
- XVIII. CITY MANAGER'S REPORT Steve Kennedy
- XIX. MAYOR'S REPORT
 - A. TITLE OF ITEM: Election of the 2012 Mayor Pro Tem. At the first Mayor and Council meeting of the year, the City Council elects a new Mayor Pro Tem to serve for the 2012 calendar year in accordance with section 2.07 of the City Charter. The Mayor Pro Tem shall perform the duties of the Mayor during his or her absence from the City or his or her medically diagnosed disability.
 - Attachments
 - B. TITLE OF ITEM: Approval of RESOLUTION to designate alternate check signer.

AGENDA COMMENTS: On the occasions the Mayor and Mayor ProTem are unavailable to sign checks, an alternate check signer is necessary. Councilmember Welsh was the prior authorized alternate designated signer and an appointment is required for 2011. Section 2-154 of the Code of Ordinances calls for documents of the City requiring execution, including but not limited to check, drafts and money orders shall bear signatures of the Mayor, or in his absence, the Mayor ProTem, or an alternate designated by the Mayor and Council. When required the second signature shall be that of the City Clerk, or in his/her absence, the Assistant City Clerk, or the City Manager. This Resolution is for approval of that list of designated people authorized to sign documents as appointed tonight and authorization to submit the information to the bank for new signature cards. City Clerk recommends approval.

- Attachments
- C. TITLE OF ITEM: Ratify City Appointments: Philip Taylor (Chief Judge), Joel Siegel (Chief Probable Cause Judge), James Tillman Payne, Jr. (Associate Probable Cause Judge), Joan Bloom (Associate Probable Cause Judge), Randall Bentley (Solicitor), Bentley, Bentley and Bentley (law firm) and Debra Taylor (City Clerk).
 - Attachments
- D. TITLE OF ITEM: Approval of RESOLUTION authorizing signatures for the City of Kennesaw and to transmit document to the bank for new signature cards.

AGENDA COMMENTS: Section 2-154 of the Code of Ordinances requires documents of the City requiring execution, including but not limited to checks, drafts and money orders shall bear signatures of the Mayor, or in his absence, the Mayor Protem, or an alternate designated by the Mayor and Council. When required, the second signature shall be that of the City Clerk, or in his/her absence, the Assistant City Clerk, or the City Manager. This Resolution is for approval of that list of designated people authorized to sign documents as appointed tonight and authorization to submit the information to the bank for new signature cards. City Clerk recommends approval.

- Attachments
- E. TITLE OF ITEM: Mayoral appointments to Boards and Committees.

AGENDA COMMENTS: This item is for (re)appointments made by the Mayor to any Board, Committee, Authority or Commission requiring an appointment to fill any vacancies, resignations, and to create or dissolve committees, as deemed necessary.

- Attachments
- TITLE OF ITEM: Council appointments to Boards and Commissions.

AGENDA COMMENTS: This item is for (re)appointments made by the City Council to any Board, Commission or Authority requiring an appointment to fill any vacancies or resignations.

Attachments

XX. COUNCIL COMMENTS

XXI. EXECUTIVE SESSION - Land, Legal, Personnel

Pursuant to the provisions of O.C.G.A. 50-14-3, the City Council could, at any time during the meeting, vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney as provided under O.C.G.A. 50-14-2(1); and/or personnel matters as provided under O.C.G.A. 50-14-3.

XXII. ADJOURN